

### Amendments to the Claims:

Please amend claims 3, 4, 7, and 8 as shown below.

This listing of claims replaces all prior versions and listings of claims in the application:

1. (original) DNA material comprising either a T7 promoter or the xylA promoter, and a ribosome binding site from a Gram-positive bacterium, and a reporter gene, which is operably linked to the promoter.
2. (original) DNA material of claim 1, wherein the reporter gene is a luciferase.
3. (amended) DNA material of ~~any of claims~~ claim 1 or 2, wherein the plasmid additionally comprises a selection marker and/or an origin of replication.
4. (amended) DNA material of ~~any of claims~~ claim 1 to 3, wherein the DNA material comprises a sequence selected from the group comprising
  - (i) the sequence of (SEQ ID NO:5);
  - (ii) a sequence at least 90% identical to (SEQ ID NO:5);
  - (iii) the sequence of (SEQ ID NO:6); and
  - (iv) a sequence at least 90% identical to (SEQ ID NO:6)
5. (original) A method to determine whether a test substance has anti-microbial activity against Gram-positive bacteria, comprising the steps of
  - (i) incubating the test substance with bacterial cell extract of a Gram-positive bacterium and the DNA material of any of claims 1 to 4; and
  - (ii) detecting a signal resulting from the expression of said reporter gene.
6. (original) The method of claim 5 wherein the Gram-positive bacterium is *Staphylococcus*, *Pneumococcus* or *Enterococcus*.
7. (amended) The method of claim 5 ~~or 6~~, wherein said bacterial cell extract is a bacterial S30 cell extract.
8. (amended) The method of claim ~~6 or 7~~ 5, wherein said incubation is on a multi-well plate, suitable for use in a plate reader.